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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of

David GOUJON, et al.

Appln. No.: 10/574,421

Confirmation No.: 7553

Filed: April 4, 2006

Docket No: Q94266

National Stage of: PCT/FR2004/050482

Group Art Unit: 3754

Examiner: Not Yet Known

For: A METERING VALVE AND A FLUID DISPENSER DEVICE INCLUDING SUCH A VALVE

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY**

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Report on Patentability for the above-identified application. It is noted that the reference cited in the Report was previously listed on the PTO/SB/08 form submitted with the Information Disclosure Statement filed in the U.S. Patent and Trademark Office on April 4, 2006, along with a copy of the foreign reference.

Respectfully submitted,

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WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: January 26, 2007

## TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT/FR2004/050482

Expéditeur : le BUREAU INTERNATIONAL

**PCT**

NOTIFICATION DE TRANSMISSION DE COPIES  
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PRÉLIMINAIRE INTERNATIONAL  
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II  
DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Date d'expédition (jour/mois/année)  
13 juillet 2006 (13.07.2006)

Référence du dossier du déposant ou du mandataire  
**VALS 953 PCT**

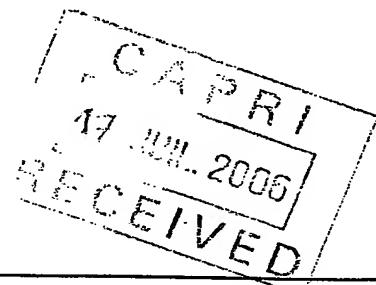
Demande internationale n°  
**PCT/FR2004/050482**

Déposant

VALOIS SAS etc

Destinataire :

CAPRI  
33, rue de Naples  
F-75008 Paris  
FRANCE

**NOTIFICATION IMPORTANTE**

Date du dépôt international (jour/mois/année)  
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Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI  
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**TRANSLATION**

PATENT COOPERATION TREATY

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>VALS 953 PCT</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/FR2004/050482</b>	International filing date (day/month/year) <b>04.10.2004</b>	Priority date (day/month/year) <b>07.10.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>B65D83/14</b>		
Applicant <b>VALOIS SAS</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a.  (*sent to the applicant and to the International Bureau*) a total of 2 sheets, as follows:
    - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050482

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished  
 the description:  
 pages 1-5 \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
 nos. \_\_\_\_\_ as originally filed/furnished  
 nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 nos.\* 1-8 \_\_\_\_\_ received by this Authority on 22.07.2005 with letter of 21.07.2005  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
 sheets 1/1 \_\_\_\_\_ as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, nos. 9 \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050482

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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## 1. Statement

Novelty (N)	Claims	1-8	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-8	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	_____	NO

## 2. Citations and explanations (Rule 70.7)

## 1. Reference is made to the following document:

D1: FR 1 528 439 A (UNION CARBIDE CORP) 7 June 1968  
 (1968-06-07)

## 2. INDEPENDENT CLAIM 1

D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):

a metering valve for dispensing fluid, comprising a valve body (10), a metering chamber (14) and a valve (20) that slides in said valve body (10) so as to dispense the substance contained in the metering chamber (14); the wall of said metering chamber (14) has an at least partially curved axial section; said metering chamber comprises an upper port and a lower port (36), such that the valve passes through the upper port; and a rotationally symmetrical wall defines said metering chamber while connecting said upper and lower ports, said wall being at least partially curved or rounded.

Consequently, the subject matter of claim 1 differs from this known valve in that:

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050482

Box No. V	<u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>
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said valve also passes through the lower port and the rotationally symmetrical wall defining the metering chamber is free of angles.

The subject matter of said claim is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be that of preventing a meniscus from forming in the metering chamber and thereby improving metering accuracy.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:

the wall of the metering chamber connecting the upper and lower ports is rotationally symmetrical and at least partially curved or rounded so as to be free of angles. No meniscus forms in the metering chamber, the metered amount of substance dispensed is therefore maximised (no active agent or propellant is retained in the metering chamber) and metering accuracy and uniformity are substantially improved. A metering chamber wall of such a shape is neither known from nor suggested by the prior art.

Claims 2 to 8 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.